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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,879	12/11/2003	Scott Broussard	AUS920030903US1(4025)	1578

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EXAMINER
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IQBAL, KHAWAR

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/733,879	BROUSSARD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Khawar Iqbal	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being unpatentable by Sheha et al (20030036848).
3. Regarding **claim 1** Sheha et al teaches a computer-implemented method for requesting rating information related to a particular location, the method comprising (fig. 1, para. # 0062):  
  
determining a current location of a user via a position-determining device (para. # 0063); interacting with the user to determine the particular location based upon the current location, in response to an inquiry from the user about the rating information associated with the particular location, wherein the interacting comprises receiving differential information indicative of a distance between the current location and the particular location from the user (para. # 00 65-0067, 0076); transmitting the particular location to a wireless network to request the rating information (para. # 00 65-0067, 0072,0076); and displaying, upon receipt of the rating information from the wireless

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network, at least part of the rating information to the user (para. # 00 65-0067, 0072-0076).

Regarding **claim 2** Sheha et al teaches further comprising determining a compass direction between the current location and the particular location (para. # 0074,0076).

Regarding **claim 3** Sheha et al teaches wherein the differential information indicating a distance comprises an indication of a travel time from the current location (para. # 0074,0076).

Regarding **claim 4** Sheha et al teaches wherein the differential information further comprises an indication of the compass direction between the current location and the particular location (para. # 0074,0076).

Regarding **claim 5** Sheha et al teaches determining the particular location based on the current location and the differential information (para. # 0074,0076); and transmitting the particular location to the wireless network (para. # 0074,0076, see above).

Regarding **claim 6** Sheha et al teaches wherein transmitting the particular location to the wireless network comprises transmitting the current location and the differential information to the wireless network (para. # 0062, see above).

Regarding **claim 7** Sheha et al teaches wherein the rating information comprises information relating to a point of interest located near the particular location (para. # 00 65-0067, 0072-0077).

Regarding **claim 8** Sheha et al teaches wherein the rating information comprises information relating to a plurality of points of interest related to the particular location (para. # 00 65-0067, 0072-0077).

Regarding **claim 9** Sheha et al teaches wherein the rating information comprises user ratings for one or more points of interest related to the particular location (para. # 00 65-0067, 0072-0077).

Regarding **claim 10** Sheha et al teaches an apparatus for requesting rating information related to a particular location, the apparatus comprising: a position determining device for determining a current location (para. # 00 65-0067, 0072-0077); a compass, wherein the compass indicates directional information between the current location and the particular location (para. # 00 65-0067, 0072-0077); a user interface for receiving input from a user located at the current location, wherein the user input comprises differential information indicating a distance between the current location and the particular location (para. # 00 65-0067, 0072-0077); a transmitter for transmitting the particular location to a wireless network to request rating information related to the particular location (para. # 00 65-0067, 0072-0077); a receiver for receiving from a wireless network rating information related to the particular location; and a display device to display the rating information to the user (para. # 00 65-0067, 0072-0077).

Regarding **claim 11** Sheha et al teaches further comprising a processor for determining the particular location based on the current location, directional information and the differential information (para. # 00 65-0067, 0072-0077).

Regarding **claim 12** Sheha et al teaches wherein transmitter couples with the processor to transmit the particular location as part of the request for rating information (para. # 00 65-0067, 0072-0077).

Regarding **claim 13** Sheha et al teaches wherein the transmitter is configured to transmit the particular location as part of the request for rating information (para. # 00 65-0067, 0072-0077).

Regarding **claim 14** Sheha et al teaches wherein the transmitter is configured to transmit the current location, directional information and differential information as part of the request for rating information (para. # 00 65-0067, 0072-0077).

Regarding **claim 15** Sheha et al teaches wherein the position-determining device is a global positioning system receiver (para. # 00 65-0067, 0072-0077).

Regarding **claim 16** Sheha et al teaches wherein the compass is a digital compass (para. # 00 65-0067, 0072-0077).

Regarding **claim 17** Sheha et al teaches wherein the rating information comprises user ratings of one or more points of interest proximate to the second location (para. # 00 65-0067, 0072-0077).

Regarding **claim 18** Sheha et al teaches wherein the directional information comprises a compass direction between the current location and the particular location (para. # 00 65-0067, 0072-0077).

Regarding **claim 19** Sheha et al teaches a machine-accessible medium containing instructions, which when executed by a machine, cause said machine to perform operations, comprising: determining a current location of a user via a position-

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determining device (para. # 00 65-0067, 0072-0077); interacting with the user to determine the particular location based upon the current location, in response to an inquiry from the user about the rating information associated with the particular location, wherein the interacting comprises receiving differential information indicative of a distance between the current location and the particular location from the user (para. # 00 65-0067, 0072-0077); transmitting the particular location to a wireless network to request the rating information (para. # 00 65-0067, 0072-0077); and displaying, upon receipt of the rating information from the wireless network, at least part of the rating information to the user (para. # 00 65-0067, 0072-0077).

Regarding **claim 20** Sheha et al teaches further comprising determining directional information between the current location and the particular location (para. # 00 65-0067, 0072-0077).

Regarding **claim 21** Sheha et al teaches wherein the rating information comprises user ratings for one or more points of interest proximate to the particular location (para. # 00 65-0067, 0072-0077).

Regarding **claim 22** Sheha et al teaches 22 method for providing rating information using a wireless network, the method comprising: receiving a request from a user located at a current location for rating information related to a particular location, wherein the request comprises an indication of the current location (para. # 00 65-0067, 0072-0077); receiving differential information from the user, the differential information describing the particular location relative to the current location (para. # 00 65-0067, 0072-0077); determining the particular location based upon the differential information

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and the indication of the current location; retrieving the rating information related to the particular location (para. # 00 65-0067, 0072-0077); and transmitting to the user the rating information related to the particular location (para. # 00 65-0067, 0072-0077).

Regarding **claim 23** Sheha et al teaches wherein the rating information comprises ratings relating to a plurality of points of interest associated with the particular location (para. # 00 65-0067, 0072-0077).

Regarding **claim 24** Sheha et al teaches wherein the rating information comprises user ratings relating to a plurality of points of interest associated with the particular location (para. # 00 65-0067, 0072-0077).

Regarding **claim 25** Sheha et al teaches wherein receiving the request comprises receiving the request from the user via a wireless network, and wherein transmitting to the user comprises transmitting the rating information to the user via a wireless network (para. # 00 65-0067, 0072-0077).

Regarding **claim 26** Sheha et al teaches wherein the differential information comprises an indication of the distance between the current location and the particular location (para. # 00 65-0067, 0072-0077).

### ***Response to Arguments***

4. Applicant's arguments filed 12-06-05 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. In response, examiner would like to point out that Sheha et al teaches **claims 1-26** Sheha et al teaches determining a current location (real-time position information, the real-time



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position information indicating the real-time location of a position such as GPS) of a user via a position-determining device (para. # 0063); interacting with the user to determine the particular location (point of interests) based upon the current location (real-time position information, the real-time position information indicating the real-time location of a position such as GPS) in response to an inquiry from the user about the rating information associated with the particular location (for searching various Rate point of interest (POIs) within a given search zone, such as a radial search, boxed boundary search, or a zip code or city or county or state or nation search, based on position information from a navigational device. The search method incorporates a categorical rating metrics search engine for providing the searcher with an indexed response of the highest rated POI information within the spatial search zone based on the user's search criteria. The POI ratings are based on various quantitative factors or user's experiences, such as decor, service, food, location, etc., or based on various pricing structures, such as the estimated cost of the POI service, such as an average restaurant meal price or typical amusement park gate fee), wherein the interacting comprises receiving differential information indicative of a distance between the current location and the particular location from the user ('door-to-door' driving direction calculation 1101 with display 1100, FIG. 11, The text display 1101 also provides a summary information of the total trip 1108, including information such as the total driving distance and time, total travel time, also along the route, information is updated and display to the user, distance and time left to reach destination) (para. # 0065-0067,0074-0076); transmitting the particular location to a wireless network to request

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the rating information (para. # 00 65-0067, 0072,0076, also see above); and displaying, upon receipt of the rating information from the wireless network, at least part of the rating information to the user (para. # 0065-0067, 0072-0076, see above).

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

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